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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,415	07/06/2001	Grover M. Blackwell	2111.001	4993

7590 05/15/2003

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EXAMINER

HORTON, YVONNE MICHELE

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 05/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/900,415

Applicant(s)
Blackwell, et al.

Examiner
YVONNE M. HORTON

Art Unit
3635



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 3, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-19 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2, 4, 6, 8, 10, and 12 is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5, 13, 15, and 18 is/are rejected.
- 7) ☒ Claim(s) 7, 9, 11, 16, 17, and 19 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1,3,5,13,15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #3,978,614 to GOLDHABER in view of US Patent #5,098,790 to DIEMUNSCH et al. In reference to claims 1 and 13, GOLDHABER discloses the use of a covering (10) including a plane of material (22,222) and a stile (24,220) having a first side (32) generally parallel to a second side (34); wherein the first (32) and second (34), contacts the respective sides of the plane of material (22,222). The stile (24,220) also has at least one hinge (207) attached thereto. GOLDHABER discloses the basic claimed cover except for being explicitly for a window and except for the plane of material consisting of a core disposed between a first and a second plane of material. Although the device of GOLDHABER, including the hinge, is for a door, doors and windows, alike, are similarly covered in the art. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select the cover for use as either a door or a window covering since the manner in which a device is intended to be employed does not differentiate the claimed device from a prior art device satisfying the claimed structural limitations. Further, GOLDHABER does not teach the use of a plane of material including a first and second plane of material having a core plane of material disposed therebetween.

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DIEMUNSCH et al. teaches that it is known in the art to form a panel from a first plane of material (1) and a second plane of material (3) having a core (2) disposed therebetween; wherein the core material is a polycarbonate. Thus, it too would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the cover of GOLDHABER with the multilayered panel of DIEMUNSCH et al in order to create a cover that is durable, light weight, and that it UV absorbent. In reference to claim 3, the stile (24,220) is linear. Regarding claim 5, the material of the first plane of material (1), the second plane of material (3), and the core (2) are resins extruded together, thus the materials are inherently attached adhesively by the mere fact that they are resins extruded together. In reference to claim 15, the first plane of material (1) and the second plane of material (3) each contact the center core (2). Regarding claim 8, the first plane of material is inherently and exterior of the window covering (10).

Response to Arguments

3. Applicant's arguments with respect to claims 1-13 and 15-19 have been considered but are moot in view of the new ground(s) of rejection.

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Allowable Subject Matter

4. Claims 7,9,11,16,17 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 2,4,6,8,10 and 12 are allowed.

6. The following is a statement of reasons for the indication of allowable subject matter:

In reference to claims 2,4,6,10,12,16,17 and 19, the prior art of record fails to teach the use of a window cover including a polycarbonate core with two polyvinyl chloride layers on each side thereof.

Regarding claims 7,8,9 and 11, the prior art of record fails to teach the use of a window cover including a polycarbonate core having two exterior layers on each side thereof; wherein at least one of the layers is not uniform in thickness.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909.


YMH

May 13, 2003